

EXHIBIT M

DEPOSITION OF IKECHI OGAN, M.D. - VIDEOCONFERENCE

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

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MARIA QUINTO-COLLINS,)	
individually and as)	
co-successor-in-interest;)	
ANDREI CARLOS QUINTO,)	
individually and as)	
co-successor-in-interest;)	
and ISABELLA COLLINS,)	
individually and as)	
co-successor-in-interest,)	
)	
Plaintiffs,)	
)	
vs.)	CASE NO.: 4:21-cv-06094-VC
)	
CITY OF ANTIOCH, a)	
municipal corporation,)	
et al; and DOES 1-50,)	
inclusive, individually,)	
jointly and severally,)	
)	
Defendants.)	
_____)	CERTIFIED COPY

VIDEOCONFERENCE

DEPOSITION OF IKECHI OGAN, M.D.

WEDNESDAY, JULY 27, 2022

4:11 p.m. - 7:08 p.m.

REPORTED BY: LILIANA RODRIGUEZ, CSR No. 13783

DEPOSITION OF IKECHI OGAN, M.D. - VIDEOCONFERENCE

INDEX OF EXAMINATION

EXAMINATION	PAGE
By Mr. Nisenbaum	7, 118
By Mr. Blechman	115
--o0o--	
Appearance Page	3
Exhibit Page	4-5
Location	6
Declaration Under Penalty of Perjury	119
Reporter's Certificate	120
Disposition	121
Witness Letter	122
Deposition Errata Sheet	123
Attorney's Notes	124

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DEPOSITION OF IKECHI OGAN, M.D. - VIDEOCONFERENCE

1 REMOTE APPEARANCES:

2
3 For Plaintiffs:

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19 Also Present:

20 Ruby Yearling, Law Offices of John L. Burris
21 Kirthi Basu, Law Offices of John L. Burris
22 Cindy Cox, Law Offices of John L. Burris
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24
25

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DEPOSITION OF IKECHI OGAN, M.D. - VIDEOCONFERENCE

INDEX TO EXHIBITS

IKECHI OGAN, M.D.

MARIA QUINTO-COLLINS vs. CITY OF ANTIOCH, et al.

WEDNESDAY, JULY 27, 2022

MARKED	DESCRIPTION	PAGE
Exhibit 1	Color copy of photograph BOP20-026 A(50).JPG	74
Exhibit 2	Coroner's Report, 17 pages	76
Exhibit 3	Color copy of photograph BOP20-026 A(52).JPG	82
Exhibit 4	Color copy of photograph BOP20-026 A(53).JPG	82
Exhibit 5	Color copy of photograph BOP20-026 A(54).JPG	83
Exhibit 6	Color copy of photograph BOP20-026 A(55).JPG	83
Exhibit 7	Color copy of photograph BOP20-026 A(56).JPG	84
Exhibit 8	Color copy of photograph BOP20-026 A(57).JPG	85
Exhibit 9	Color copy of photograph BOP20-026 A(59).JPG	86
Exhibit 10	Color copy of photograph BOP20-026 A(60).JPG	87
Exhibit 11	Color copy of photograph BOP20-026 A(61).JPG	88
Exhibit 12	Color copy of photograph BOP20-026 A(62).JPG	88
Exhibit 13	Color copy of photograph BOP20-026 A(63).JPG	89

DEPOSITION OF IKECHI OGAN, M.D. - VIDEOCONFERENCE

1	INDEX TO EXHIBITS (continued)		
2	MARKED	DESCRIPTION	PAGE
3			
4	Exhibit 14	Color copy of photograph BOP20-026 A(64).JPG	89
5	Exhibit 15	Color copy of photograph BOP20-026 A(65).JPG	90
6			
7	Exhibit 16	Color copy of photograph BOP20-026 A(66).JPG	90
8	Exhibit 17	Color copy of photograph BOP20-026 A(69).JPG	91
9			
10	Exhibit 18	Color copy of photograph BOP20-026 A(71).JPG	92
11	Exhibit 19	Color copy of photograph BOP20-026 A(72).JPG	93
12			
13	Exhibit 20	Color copy of photograph BOP20-026 A(74).JPG	94
14	Exhibit 21	Color copy of photograph BOP20-026 A(77).JPG	95
15			
16	Exhibit 22	Color copy of photograph BOP20-026 A(80).JPG	95

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DEPOSITION OF IKECHI OGAN, M.D. - VIDEOCONFERENCE

1 Zoom videoconference deposition taken pursuant to
2 Deposition Notice and on WEDNESDAY, JULY 27, 2022,
3 commencing at the hour of 4:11 p.m., thereof, before
4 me, LILIANA RODRIGUEZ, CSR No. 13783, a Certified
5 Shorthand Reporter and Deposition Officer of the State
6 of California, there personally appeared:

7 IKECHI OGAN, M.D.,
8 called as a witness by the Plaintiff, who having been
9 duly sworn by me, to tell the truth, the whole truth and
10 nothing but the truth, testified as hereinafter set
11 forth:

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DEPOSITION OF IKECHI OGAN, M.D. - VIDEOCONFERENCE

1 the pictures. But let me just go through them real
2 quick. All right. I'm going to stop with the pictures.

3 So, Doctor, is it fair to say that the presence
4 of petechial hemorrhages makes it more likely that the
5 comment that you have in your coroner's report, "A prone
6 position with weight on the back may have played an
7 additional role in Mr. Quinto's death," is even more
8 likely?

9 MR. BLECHMAN: Calls for speculation. Lacks
10 foundation. Calls for expert testimony.

11 You can respond.

12 THE WITNESS: What I would say is that it is
13 probably a good idea in cases like this where prone
14 positions are a possible factor that the autopsy be
15 delayed for a day or two. Because I think if I had what
16 I'm seeing now in the eyes, I might have made more
17 forceful statements than I made. I don't withdraw
18 anything I said. I am comfortable with my conclusions.
19 I know that I looked for what I could find. But
20 obviously the fact that the petechiae had not developed
21 on the day I did the autopsy was a significant factor.
22 And if I had seen these -- and there's no way I could
23 have missed these -- I may have written my conclusions
24 in a different manner. That's what I'm comfortable
25 saying.

DEPOSITION OF IKECHI OGAN, M.D. - VIDEOCONFERENCE

1 Q. Are you saying -- what do you mean by a different
2 manner? Are you saying that asphyxiation during
3 restraint would have been a more likely scenario than as
4 you understood it at the time you prepared your autopsy
5 report?

6 A. No. What I'm saying is that I made it a point of
7 duty to mention the possibilities, and they included the
8 excited delirium, the prone position restraint. Because
9 I was trying to convey the complexity and the
10 completeness of the diagnosis. I tried to not -- if I
11 had had the petechiae, which I've just seen now, which I
12 know I did not see on that day, which teaches me that
13 maybe it's a good idea to wait a day or two or maybe
14 even more before a case like that is done. I might have
15 emphasized some parts of the report different. But I'm
16 comfortable with what I wrote.

17 Q. What would you have emphasized differently?

18 MR. BLECHMAN: Calls for speculation.

19 But go ahead.

20 THE WITNESS: I have to think about it more
21 completely. I can't just give you something off the
22 cuff.

23 BY MR. NISENBAUM:

24 Q. I'm not asking for anything off the cuff, but it
25 strikes me that what you're referring to is the

DEPOSITION OF IKECHI OGAN, M.D. - VIDEOCONFERENCE

1 there was some particular shortcoming of mine because I
2 didn't say that. If I had been asked I would have
3 answered it. I put it in my report on the first page,
4 first line of my comment.

5 Q. All right. I was heartened to see it.

6 So, again, given the presence of now of what you
7 see as petechial hemorrhages, the prone position with
8 weight on the back playing an additional role becomes
9 more prominent, correct?

10 MR. BLECHMAN: Argumentative as phrased. Lacks
11 foundation.

12 You can respond.

13 THE WITNESS: That has already been stated.

14 BY MR. NISENBAUM:

15 Q. Yes or no?

16 A. I've already said that. I've already put that in
17 the report.

18 Q. Are you saying yes?

19 A. I think it's an important piece of information,
20 and I handled it as such. I put it in the report.

21 Q. Listen to my question closely. This is -- I'm
22 trying to make this my last question. The presence of
23 petechial hemorrhages in Mr. Quinto's eyes is important
24 information in connection with the prone position with
25 weight on the back that may have played an additional

DEPOSITION OF IKECHI OGAN, M.D. - VIDEOCONFERENCE

1 role, correct, they go together?

2 A. Let me put it this way: If I did have the
3 petechiae in the eyes it would have had a significance
4 to the prone position and possible weight on the body
5 during restraint. And I would possibly have stressed
6 that a little bit more than I did. That's the best
7 answer I can give you.

8 Q. Thank you.

9 MR. NISENBAUM: All right. I don't have any
10 other questions pending review of the coroner's
11 photographs. And like I said, if I do see petechiae in
12 there, then I will bring you back. Thank you.

13 MR. BLECHMAN: So, Dr. Ogan, I do have questions.
14 I think my estimate is probably two hours worth of
15 questions approximately. There is some exhibits to show
16 you. It's 7:00 p.m. I understand you want to get
17 through this, but do you want me to go forward with two
18 hours of questioning at this point, or do you want to
19 try to reschedule this for another time to complete
20 this? What is your preference?

21 THE WITNESS: And after you're done he will have
22 some more questions?

23 MR. NISENBAUM: It's possible.

24 MR. BLECHMAN: It's possible. And I'd say it's
25 very likely.

DEPOSITION OF IKECHI OGAN, M.D.- VOLUME II - VIDEOCONFERENCE

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

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MARIA QUINTO-COLLINS,)	
individually and as)	
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ANDREI CARLOS QUINTO,)	
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and ISABELLA COLLINS,)	
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Plaintiffs,)	
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vs.)	CASE NO.: 4:21-cv-06094-VC
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CITY OF ANTIOCH, a)	
municipal corporation,)	
et al; and DOES 1-50,)	
inclusive, individually,)	
jointly and severally,)	
)	
Defendants.)	
_____)	CERTIFIED COPY

VIDEOCONFERENCE DEPOSITION OF

IKECHI OGAN, M.D. - VOLUME II

WEDNESDAY, AUGUST 10, 2022

1:00 p.m. - 4:30 p.m.

REPORTED BY: LILIANA RODRIGUEZ, CSR No. 13783

DEPOSITION OF IKECHI OGAN, M.D.- VOLUME II - VIDEOCONFERENCE

INDEX OF EXAMINATION

EXAMINATION	PAGE
By Mr. Blechman	130
By Mr. Nisenbaum	209
--o0o--	
Appearance Page	127
Exhibit Page	128
Location	129
Declaration Under Penalty of Perjury	256
Reporter's Certificate	257
Disposition	258
Witness Letter	259
Deposition Errata Sheet	260
Attorney's Notes	261

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1 REMOTE APPEARANCES:

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18 noah.blechman@mcnamaralaw.com

19 Also Present:

20 Ruby Yearling, Law Offices of John L. Burris

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22 --o0o--
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DEPOSITION OF IKECHI OGAN, M.D.- VOLUME II - VIDEOCONFERENCE

INDEX TO EXHIBITS

IKECHI OGAN, M.D., VOLUME II

MARIA QUINTO-COLLINS vs. CITY OF ANTIOCH, et al.

WEDNESDAY, AUGUST 10, 2022

MARKED	DESCRIPTION	PAGE
Exhibit 23	Color copies of autopsy photos, 88 photos	168
Exhibit 24	Color copies of autopsy photos, 116 photos	176
Exhibit 25	Video reenactment	193
Exhibit 26	Color copy of photograph, BOP20-026(A)49.JPG	218
Exhibit 27	Autopsy photo 9233	221
Exhibit 28	"Eyelid Petechiae and Conjunctival Hemorrhage After Cardiopulmonary Resuscitation," 1999	231
Exhibit 29	"Resuscitation and Conjunctival Petechial Hemorrhages," 2010	231

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DEPOSITION OF IKECHI OGAN, M.D.- VOLUME II - VIDEOCONFERENCE

1 Zoom videoconference deposition taken pursuant to
2 Deposition Notice and on WEDNESDAY, AUGUST 10, 2022,
3 commencing at the hour of 1:00 p.m., thereof, before
4 me, LILIANA RODRIGUEZ, CSR No. 13783, a Certified
5 Shorthand Reporter and Deposition Officer of the State
6 of California, there personally appeared:

7 IKECHI OGAN, M.D.,
8 called as a witness by the Plaintiff, who having been
9 duly sworn by me, to tell the truth, the whole truth and
10 nothing but the truth, testified as hereinafter set
11 forth:
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DEPOSITION OF IKECHI OGAN, M.D.- VOLUME II - VIDEOCONFERENCE

1 A. Many times rib are broken, but it's -- yes. But
2 it tends to happen more common in the older people who
3 bones are already brittle. For a young man who was in
4 his -- was 30 years old, this is his peak of
5 physicality. I'm not surprised his bones did not break.

6 Q. Now, I want to make certain that we have the
7 sequence of events correct. There is some, I think,
8 claim by the defendants that maybe Mr. Quinto suffered
9 compression-type injuries by being restrained -- while
10 being restrained by his mother and his sister.

11 Was it your understanding that Mr. Quinto died
12 while being restrained by his mother or his sister?

13 A. No.

14 Q. No.

15 Isn't it true that he died while being restrained
16 by the defendants in this case?

17 MR. BLECHMAN: Misstates -- argumentative and
18 misstates the records.

19 You can respond.

20 THE WITNESS: I understand he became unresponsive
21 during the struggle with law enforcement, not with his
22 family members.

23 BY MR. NISENBAUM:

24 Q. And, in fact, didn't law enforcement officers at
25 the scene say that he became combative so that -- so

DEPOSITION OF IKECHI OGAN, M.D.- VOLUME II - VIDEOCONFERENCE

1 they had to restrain him?

2 A. That is what they said, yes.

3 Q. Okay. That's what they told the paramedics,
4 right?

5 MR. BLECHMAN: Hold on. Lacks foundation. Calls
6 for speculation. Hearsay.

7 You can respond.

8 THE WITNESS: I wasn't there, but the
9 investigation brought back by the deputy sheriffs
10 indicate that he became unresponsive during restraint by
11 law enforcement. What was the question? I'm sorry.

12 BY MR. NISENBAUM:

13 Q. It happened -- when you say "unresponsive," what
14 you're referring to, he lost vital signs of life, right?

15 A. Yes. He became unconscious, yes.

16 Q. Not just unconscious, no pulse, no breathing
17 either, correct? That happened in the course of the
18 restraint by the police is your understanding, correct?

19 MR. BLECHMAN: Calls for speculation. Lacks
20 foundation.

21 You can respond.

22 THE WITNESS: I understand he became
23 unresponsive, and therefore they began -- they initiated
24 CPR trying to resuscitate him.

25 ///

DEPOSITION OF IKECHI OGAN, M.D.- VOLUME II - VIDEOCONFERENCE

1 BY MR. NISENBAUM:

2 Q. And isn't it true that when the paramedics
3 arrived, at least according to their records, Mr. Quinto
4 was already unresponsive?

5 A. Like I said, he was unresponsive at some point,
6 leading to them trying to get him -- the EMS people
7 trying to work on him. I don't know exactly what the
8 time -- who did what when. I wasn't there. But I
9 understand that during the restraint by police, he
10 became unresponsive, and so they activated the EMS
11 system.

12 Q. Okay. And isn't it -- well, did you have an --
13 did you have -- I don't know what you mean "activated
14 the EMS system." What do you mean by that?

15 A. Emergency medical system.

16 Q. What is -- when you say activate the EMS system,
17 what do you mean?

18 A. Well, the police began doing CPR, and then they
19 called fire, rescue, or whoever it was. I don't know.
20 I'm just trying to say they -- and then when those
21 people came, he was then -- they tried to resuscitate
22 him and took him to the hospital.

23 Q. Is it true that compression of the carotid artery
24 can block the flow of blood to the brain?

25 A. Yes.

DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

--o0o--

MARIA QUINTO-COLLINS,)
individually and as)
co-successor-in-interest;)
ANDREI CARLOS QUINTO,)
individually and as)
co-successor-in-interest;)
and ISABELLA COLLINS,)
individually and as)
co-successor-in-interest,)

Plaintiffs,)

vs.)

CASE NO.: 4:21-cv-06094-VC

CITY OF ANTIOCH, a)
municipal corporation,)
et al.; and DOES 1-50,)
inclusive, individually,)
jointly and severally,)

Defendants.)

CERTIFIED COPY

VIDEOCONFERENCE DEPOSITION OF

IKECHI OGAN, M.D. - VOLUME III

WEDNESDAY, FEBRUARY 1, 2023

2:00 p.m. - 4:12 p.m.

REPORTED BY: KYLE RIDENOUR, RPR, CSR No. 14473

DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

INDEX OF EXAMINATION

EXAMINATION	PAGE
By Mr. Nisenbaum	267, 335
By Mr. Blechman	319
--o0o--	
Appearance Page	264
Exhibit Page	265
Location	266
Deponent's Signature	339
Reporter's Certificate	340
Disposition	341
Witness Letter	342
Deponent's Changes/Corrections	343
Attorney's Notes	344

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DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

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Also Present:

Ruby Yearling, Law Offices of John L. Burris
Crystal Mackey, Law Offices of John L. Burris

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DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

INDEX TO EXHIBITS

IKECHI OGAN, M.D., VOLUME III

MARIA QUINTO-COLLINS vs. CITY OF ANTIOCH, et al.

WEDNESDAY, FEBRUARY 1, 2023

NUMBER	DESCRIPTION	PAGE
30	Color copy of photograph IMG_0112.jpg	289
31	Color copy of photograph IMG_0100.jpg	327
32	Color copy of photograph IMG_0101.jpg	327
33	Color copy of photograph IMG_0106.jpg	327
34	Color copy of photograph IMG_0107.jpg	327
35	Color copy of photograph IMG_0108.jpg	327
36	Color copy of photograph IMG_0109.jpg	327

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DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

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Videoconference deposition of IKECHI
OGAN, M.D., Volume III, taken on behalf of
PLAINTIFFS, all parties appearing from remote
locations, commencing at 2:02 PM, WEDNESDAY,
FEBRUARY 1, 2023, before KYLE RIDENOUR, Registered
Professional Reporter, California Certified
Shorthand Reporter No. 14473, pursuant to notice.

DEPOSITION OF IKECHI OGAN, M.D.- VOLUME II - VIDEOCONFERENCE

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF FRESNO)

4 I, LILIANA RODRIGUEZ, Certified Shorthand Reporter,
5 in and for the State of California, do hereby certify:

6 That the foregoing proceedings were taken before me
7 remotely at the time and place herein set forth; that
8 any witnesses in the foregoing proceedings, prior to
9 testifying, were duly sworn; that a record of the
10 proceedings was made by me using machine shorthand which
11 was thereafter transcribed under my direction; that the
12 foregoing is a true record of the testimony given.

13 Pursuant to Federal Rule 30(e), transcript review
14 was requested.

15 I further certify that I am neither financially
16 interested in the action, nor a relative or employee of
17 any attorney or party to this action.

18 IN WITNESS WHEREOF, I have this date subscribed my
19 name.

20
21 DATED: 8/24/22
22 Fresno, California

23
24 /s/Liliana Rodriguez
25 LILIANA RODRIGUEZ, CSR No. 13783

DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

1 deposition. And I believe this is actually
2 screen-shared.

3 Do you see it? Do you see your autopsy
4 findings?

5 A Yes, I do.

6 Q Okay.

7 And -- you know, and I know we covered this
8 already. But on the third page of Exhibit 2 which is at
9 the top, it says "Cause of death." You wrote, "Excited
10 delirium syndrome." You have a comment. "Prone
11 position with weight on the back may have played an
12 additional role. Case reviewed with A. Josselson and
13 M. Super, M.D.s."

14 So the comment regarding prone position with
15 weight on the back having played an additional role was
16 a reference to a compression of the rib cage causing
17 asphyxiation of Mr. Quinto; correct?

18 A That's correct.

19 MR. BLECHMAN: Hold on.

20 Belated objection. Calls for speculation.
21 Lacks foundation to this witness. Assumes facts not in
22 evidence.

23 But go ahead.

24 BY MR. NISENBAUM:

25 Q And when you had the evidence of petechial

DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

1 hemorrhages, that is also evidence of -- of a pressure
2 on a person's back when in a prone position; correct?

3 A If I had had the petechial hemorrhages in the
4 eyes under my autopsy, it would have made me to consider
5 more favorably, yes, the positional asphyxiation, yes.

6 Q Okay.

7 And so now that you do have that information,
8 now that you've been presented with it, what is your
9 final conclusion as to Mr. Quinto's cause of death?

10 MR. BLECHMAN: Overbroad and vague and
11 ambiguous and assumes facts not in evidence.

12 Go ahead.

13 Also may call for expert testimony.

14 THE WITNESS: I still think fundamentally that
15 my diagnosis is sound. But I might have worded the --
16 the diagnosis maybe slightly different, maybe be a
17 little bit more descriptive. I tried to do that by
18 adding the comments and then writing in comprehensive
19 notes, including quoting several publications to explain
20 my line of thought.

21 But I do agree with you that if I had had
22 those petechiae which Dr. Omalu had, it would have been
23 a significant piece of information for me to consider.

24 BY MR. NISENBAUM:

25 Q Tell me how. How would it be -- you said your

DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

1 diagnosis, you would have worded it differently. Tell
2 me how you would have -- how you would word it.

3 A I may have added the words "positional
4 asphyxiation" somewhere in the diagnosis.

5 Q Okay.

6 And was that how you -- with the evidence that
7 you now have, is that how you see the case, that it was
8 a combination of excited delirium syndrome with
9 positional asphyxiation?

10 MR. BLECHMAN: Calls for speculation. Lacks
11 foundation. Calls for expert testimony. Assumes facts
12 not in evidence. Vague and ambiguous.

13 You can answer.

14 THE WITNESS: If I had the petechiae that
15 Dr. Omalu had a couple of days later -- oh, can I ask
16 you, Mr. Nisenbaum, how long after my autopsy did Omalu
17 do his?

18 BY MR. NISENBAUM:

19 Q I don't recall. I know it was relatively
20 quickly. But it wasn't hours. I know that. So it was
21 probably a couple days. But I don't have any personal
22 recollection.

23 A Well, I am a frontline forensic pathologist
24 who is practicing. There are people who are doing
25 research. There is a heavy debate right now about the

DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

1 pros and cons about these diagnoses, which I am reading
2 and I am following.

3 If I had had the petechiae, I might have added
4 the positional asphyxiation, those words, you know, into
5 my diagnosis somewhere. Because clearly with the broad
6 petechiae that he had in his eyes, there was some sort
7 of obstruction of respiration.

8 Q Okay.

9 And that is your opinion now with seeing the
10 materials with those --

11 A Yes, that is my opinion now.

12 Q Your opinion is that there was some disruption
13 of his respiration; correct?

14 A That is my opinion now. I would have written
15 the diagnosis in a different manner to reflect that
16 information.

17 Q Okay.

18 And you believe that that obstruction was a
19 factor in his death? You're not saying it was the only
20 factor, but it was a factor in his death, the disruption
21 of his respiration, Mr. Quinto's; correct?

22 MR. BLECHMAN: Vague and ambiguous as to
23 "disruption of respiration." Lacks foundation to this
24 witness.

25 But go ahead.

DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

1 THE WITNESS: I think that would be a fair
2 conclusion.

3 BY MR. NISENBAUM:

4 Q Thank you.

5 Okay. I'm basically done.

6 Have you followed this in the news at all?

7 A No. I try not to read the news. It gives me
8 high blood pressure.

9 Q Okay. I hear you.

10 Did you read about how somehow fentanyl -- how
11 the DA decided that fentanyl played a role in
12 Mr. Quinto's death?

13 MR. BLECHMAN: Lacks foundation.

14 Go ahead.

15 THE WITNESS: The DA in this county?

16 BY MR. NISENBAUM:

17 Q Yeah. The DA in this county decided that
18 somehow fentanyl played a role in Mr. Quinto's death.

19 A Well, I am not aware of that. I have not
20 followed the news. But I can assure you that based on
21 our expanded toxicology, there was no fentanyl detected.

22 Q Okay.

23 What you do know is that -- let me ask you
24 this: You are aware that he was -- that there was a
25 toxicology screen of Mr. Quinto when he went into the

DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

1 days later after the event pressure is already released?

2 A The --

3 MR. NISENBAUM: Calls for speculation. Beyond
4 the scope of his expertise.

5 BY MR. BLECHMAN:

6 Q You can respond.

7 A I've done no independent testifying or studies
8 in a controlled environment. But I know that the
9 petechiae happen when the small blood vessels burst,
10 which would be when the pressure is most.

11 However, the bleeding might not occur right
12 away because it might be -- because of it being in the
13 capillaries, it's actually not under great pressure.
14 It's an oozing bleeding, not a pumping bleeding. And
15 that's why I think it evolves slowly over time, it
16 becomes more florid, more visible over time.

17 Q Okay.

18 Now, let me represent to you that the rest
19 of -- well, strike that.

20 Let me ask you this question: When you say in
21 your autopsy report and you discussed a little bit today
22 that prone position with weight on the back may have
23 played an additional role, real briefly, what is that --
24 what is that opinion based upon in terms of what
25 factors?

DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

1 A It was based on the fact that some of the
2 reports I read from the law enforcement did admit to
3 either one or two people being on his back or shoulder
4 when he was on the ground. And I was thinking that
5 taking just an average weight of a policeman of, let's
6 say, 150 or 175 pounds, that could significantly affect
7 the ability to breathe and expand -- expand one's chest,
8 especially if their hands are handcuffed behind them and
9 they are prone on the ground.

10 Q Okay.

11 And so that was my -- okay.

12 So based on the reports that some officers
13 talked about having some pressure to his upper body,
14 that was one of the factors for that part of the
15 opinion?

16 A Yes. That was one of the factors.

17 Q Is another factor now the fact that you
18 believe there has been signs of petechiae in
19 Mr. Quinto's eyes? Is that another factor?

20 A That is another factor.

21 And then a third factor would be the bruising
22 he had on his back and his shoulder, which are
23 indicative of some pressure being applied in those
24 areas.

25 Q Okay.

DEPOSITION OF IKECHI OGAN, M.D. - VOLUME III - VIDEOCONFERENCE

CERTIFICATE OF STENOGRAPHIC REPORTER

I certify that the witness in the foregoing remote deposition, IKECHI OGAN, M.D., was by me duly sworn in remotely to testify in the within-entitled cause; that said deposition was taken remotely at the time therein named; that the testimony of said witness was stenographically reported by me, a duly Certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations, and said testimony was thereafter transcribed into typewriting to the best of my ability via remote teleconferencing.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

The dismantling, unsealing, or unbinding of the original transcript will render the Reporter's Certificate null and void.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of February, 2023.

/S/Kyle Ridenour
KYLE RIDENOUR, RPR
Certified Shorthand Reporter
Certification No. 14473